

Summary Overview for Docket ID No. OPP-2003-0115
Section 610 Review of the Pesticide Worker Protection Rule
April 29, 2003

- **What is a Section 610 Review?**

The Regulatory Flexibility Act (RFA) generally requires agencies to examine the impact of their proposed and final regulations on small entities.¹ Section 610 of the RFA requires that within ten years of promulgation, the Agency review rules that have or will have a significant economic impact on a substantial number of small entities (SISNOSE).

- **Did EPA certify the Pesticide Worker Protection Rule as having a SISNOSE?**

No. For EPA rules on which work started after April 9, 1992 and which were issued before February 5, 1997, EPA was operating under a policy which did not require it to designate whether a rule had a SISNOSE and did not use the common certification statement SISNOSE. EPA stated in the preamble to the Pesticide Worker Protection Rule that "The Agency has determined that the burden on small agricultural businesses does not outweigh the risk to handlers and workers employed in those businesses, and that further exemptions from the regulation for small businesses would not be warranted." (57 FR 38146, August 21, 1992)

- **What is the purpose of a Section 610 Review?**

The purpose of this review is to determine whether such rules should be continued without change, or should be amended or rescinded to lessen any significant economic impact upon a substantial number of small entities. In reviewing rules under section 610 the Agency shall consider, (1) the continued need for the rule; (2) the nature of complaints or comments received concerning the rule from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and to the extent feasible, with State and local Governmental rules; and, (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

- **What does the Pesticide Worker Protection Rule require?**

On August 21, 1992, EPA issued the final Pesticide Worker Protection Rule (WPR) governing the protection of workers from agricultural pesticides. These revised regulations expand the scope of the standards to include not only workers performing hand labor operations in fields treated with pesticides, but employees in forests, nurseries, and greenhouses and employees who handle (mix, load, apply, etc.) pesticides for use in these locations. The revised regulations became effective January 1, 1995, and are applicable to agricultural farm workers and pesticide handlers working on farms, forests, nurseries, and

¹Small entities are defined as small businesses, small governments, and non-profits that are not dominant in their field.

greenhouses.

- **Has EPA amended the WPR to address any concerns by regulated entities since 1992?**

Yes. In 1995 and 1996, the standard was amended to address specific concerns of the regulation community. Amendments to the requirements address the exception process and exceptions for limited contact activities, roses and irrigation activities. The most recent amendments include warning signs, crop advisories, training requirements, decontamination and proposed changes related to gloves.

- **How do I obtain more information about the Pesticide WPR?**

For the complete Pesticide Worker Protection Standard, go to [40 CFR Part 170 - Pesticide Worker Protection Standard Regulations](http://www.epa.gov/pesticides/safety/workers/PART170.htm) (<http://www.epa.gov/pesticides/safety/workers/PART170.htm>). For more additional information about the Pesticide WPR go to <http://www.epa.gov/pesticides/health/worker.htm>.

- **How can I submit comments or suggestions for lessening the burden on small entities?**

You may submit comments electronically, by mail, or through hand delivery/courier using one of the following methods. For this action, please DO NOT submit CBI or information that is otherwise protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in Docket ID No. OPP-2003-0115. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of

your comment.

ii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified below. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Mailcode: 7502C, 1200 Pennsylvania Ave., NW, Washington, DC, 20460, Attention Docket ID No. OPP-2003-0115.

3. *By Hand Delivery or Courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA., Attention Docket ID No. OPP-2003-0115. Such deliveries are only accepted during the Docket's normal hours of operation as identified below.

• **How can I access other comments or suggestions that have been submitted?**

EPA has established an official public docket for this action under docket identification (ID) number OPP-2003-0115. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified above. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket. Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. For this action, please DO NOT submit CBI or information that is otherwise protected by statute.